

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SINCERE SMITH,

Plaintiff,

-against-

**STIPULATION AND
ORDER OF PARTIAL
DISCONTINUANCE
PURSUANT TO FRCP
41(a)**

ORC WILLIAMSON, *et al.*,

22-CV-00174
GLS/TWD

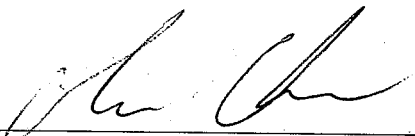
Defendants.
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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, Plaintiff and the attorneys of record for defendants Gregory Mayo (sued herein as “Sgt Mayo”), Christopher Miller (sued herein as “Superintendent Miller”), Leonard Rena (sued herein as “ORC Rena”), Jeffrey Williamson (sued herein as “ORC Williamson”), Stephen Casanova (sued herein as “Nurse Casanova”), Ashley Montalto (sued herein as “ORC Moltavo”), Katherine G. Henley (sued herein as “CHO Henley”), Teri Kozak (sued herein as “Dept Kosak”), Keith Klein (sued herein as “Lt Klein”), John Nickless (sued herein as “ORC Nickles”), Kenneth Pope (sued herein as “C.O. Pope”), William Burns (sued herein as “Dept Burns”), Devrin Perdue (sued herein as “C.O. Perdue”), Luke Funke (sued herein as “ORC Funk”), Justin Kotary (sued herein as “C.O. Kotary”), Michael Fischer (sued herein as “Dept Fischer”), Donald E. Venettozzi (sued herein as “Dept Venettozzi”), Paul J. Piersma (sued herein as “ORC Piersma”), Anthony Rodriguez (sued herein as “A. Rodriguez”), Nicolas Leone (sued herein as “Sgt N. Leone”), Amira Green (sued herein as “ORC Green”), Lauren Buehler (sued herein as “ORC Bueler”) (collectively “Defendants”), that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, that the above entitled action be and the same hereby is partially discontinued on the following grounds and conditions:

1. Plaintiff voluntarily discontinues all claims in the Complaint [Dkt. 1] alleging Fourteenth Amendment due process claims asserted against Defendants Miller and Rodriguez arising from the disciplinary hearing determinations, sanctions, and appeals stemming from the hearing conducted at Great Meadow Correctional Facility, with prejudice and without damages, costs, interest or attorneys' fees;
2. Plaintiff voluntarily discontinues all claims in the Complaint [Dkt. 1] alleging Fourteenth Amendment due process claims asserted against Defendants Green, Piersma, Williamson, Buehler, Funke, Rena, Klein, Fischer, Kosak, Burns, Montalto, Mayo, Nickless, Rodriguez, and Venettozzi arising from allegations that they interfered with Plaintiff's progression in and/or completion of the step-down program at Mid-State Correctional Facility, with prejudice and without damages, costs, interest or attorneys' fees
3. The foregoing constitutes the entire agreement of the parties.

IT IS FURTHER AGREED that this stipulation may be signed and/or executed by facsimile and a facsimile copy may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
_____, 2023



Sincere Smith
DIN 18A4013
Plaintiff *pro se*
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

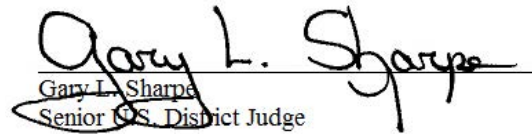
Dated: Albany, New York
October 20, 2023

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendants
The Capitol
Albany, New York 12224-0341

By: s/Mark J. Dolan
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October 23, 2023
Albany, New York

SO ORDERED:



Gary L. Sharpe
Senior U.S. District Judge